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EXAMINER

WEST, JEFFREY R

| ART UNIT | PAPER NUMBER |
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2857

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,341

Applicant(s)

TAHARA ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2006, has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7-11, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0032109 to Gonyea et al. in view of U.S. Patent No. 6,608,666 to Deguchi et al.

Gonyea discloses a part maintenance system comprising a factory-side system having at least one processing system (0013, lines 1-9), a preset means which stores a predetermined allowable limit value of operation time or a predetermined number of operations of a part of said processing system (0020, lines 1-5), a measuring means which measures actual operation time or the number of actual operations of said part (0021, lines 10-13), and a maintenance judging means which judges operating conditions of said part by comparing said actual operation time or the number of actual operations and said predetermined allowable limit value with each other to judge whether or not an order processing request of said part is desired (0005, lines 14-21 and 0055, lines 1-13), and a factory-side sending/receiving means (0015, lines 5-7 and 0017, lines 1-7) which sends an order processing request of said part to a vendor upon judging that the order processing request of said part is desired by the maintenance judging means and does not send any data to said vendor upon judging that the order processing request of said part is not desired by the maintenance judging means (0005, lines 14-21 and 0055, lines 1-13) wherein the vendor comprises an order processing means which carries out an order processing of a part when said vendor-side sending/receiving means

receives an order processing request of that part from said factory-side system (0056, lines 1-11).

Gonyea also discloses said factory-side system stores at least two stage limit value levels as said allowable limit value which is previously set by said preset means (0050, lines 1-2), and when said actual operation time or the number of actual operations reaches a first limit value level, said factory-side system carries out an order processing request that the part needs to be replaced (0050, lines 15-21) and when said maintenance judging means judges that said actual operation time or the number of actual operations reaches a second limit value level, said factory-side sending/receiving means sends a notice processing indicating the need for repairing said part (0050, lines 2-15),

Gonyea also discloses that the factory-side system estimates the time when the level reaches the second stage limit value level and if said factory-side system judges that the part can be made available by that time and a periodic maintenance of said semiconductor processing system is scheduled by that time, maintenance schedule information for inputting the exchange of the part into a periodic maintenance schedule is input into the next periodic maintenance schedule and updates said periodic maintenance schedule (0027, lines 29-37).

With respect to claims 7 and 8, Gonyea discloses that the preset means of said factory-side system stores normal operation time and its allowable limit value for comparison, in order to perform estimation, (0021, lines 13-16) or cumulative time-passage change and its allowable limit value for comparison (0027, lines 9-11).

As noted above, the invention of Gonyea teaches many of the features of the claimed invention and while the invention of Gonyea does teach a wide variety of processing systems as well as communication to and from a vendor, Gonyea does not specifically indicate that the system be a semiconductor processing system and that the vendor be part of a vendor-side system operated by an administrator who manages the maintenance of said semiconductor processing system comprising a vendor-side sending/receiving means which sends and receives information to and from said factory-side system through a network.

Deguchi teaches a semiconductor device manufacturing factory (column 1, lines 11-15) comprising a factory-side system (column 6, lines 10-45) and a vendor-side system operated by an administrator who manages the maintenance of said semiconductor processing system (column 6, lines 18-21) wherein the factory-side system and vendor-side systems each contain corresponding servers and sending/receiving means (column 6, lines 30-39 and 45-54) that send and receive information between each other through a network (column 6, lines 54-65). Deguchi also teaches that the vendor-side system receives information from the factory-side system and uses such information to perform maintenance processing (column 6, lines 54-65).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gonyea to specifically indicate that the system be a semiconductor processing system and that the vendor be part of a vendor-side system comprising a vendor-side sending/receiving means which sends and receives information to and

from said factory-side system through a network, as taught by Deguchi, because the combination would have allowed greater utility in the invention of Gonyea by providing application to a wider variety of environments and, as suggested by Deguchi, provided a corresponding means for communicating with the vendor of Gonyea with improved accessibility by allowing access to the vendor remotely (column 7, lines 10-22) while allowing remote monitoring to provide rapid problem correction (column 7, lines 46-52).

Further, it has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963)). In the instant case, the structure of Gonyea is capable of performing the monitoring of any of a plurality of processing systems including a semiconductor processing system, and therefore meets the claimed limitation.

Also, since Gonyea teaches that the factory-side performs the maintenance scheduling operation rather than the vendor-side and Deguchi teaches remote maintenance by the vendor-side, the combination would have performed the maintenance scheduling operation of Gonyea at the vendor-side.

Further still, with respect to claims 9 and 10, the invention of Gonyea and Deguchi teaches the use of servers in both the factory and vendor sides and since it

has been held that forming in one piece an article which was formerly been formed in two pieces and put together involves only routine skill in the art (See Howard v. Detroit Stove Works, 150 U.S. 164 (1893)), it would have been obvious to one having ordinary skill in the art to combine the plurality of processing means into the servers to reduce the number of components required, thereby increasing efficiency.

5. Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonyea et al. in view of Deguchi and further in view of U.S. Patent No. 6,947,161 to Suyehira.

As noted above, the invention of Gonyea and Deguchi teaches many of the features of the claimed invention including teaching that the vendor-side system determines when a time period reaches the second stage limit and if a replacement part is available at said time period and a periodic maintenance of said semiconductor processing system is scheduled by that time period, maintenance schedule information for inputting the exchange of the part into a next periodic maintenance schedule is input into the periodic maintenance schedule and updates said periodic maintenance schedule (Gonyea; 0027, lines 29-37). The combination, however, does not specifically use an estimation of the time period required to reach the second stage limit and while the combination does determine whether or not a replacement part is available (Gonyea; 0055, line 1 to 0056, line 11), the combination does not explicitly provide a provision for when the replacement part cannot be available by the time period.

Suyehira teaches systems and methods for automatic status tracking of automatically ordered replacement components for printing devices, or other devices relating to other technologies (column 3, lines 41-51), comprising communication between a client-side and vendor-side over a network (column 4, lines 37-56) for ordering a replacement part (column 5, lines 8-17) wherein an estimation is made of the time period required to reach a time limit value (column 7, lines 8-15). Suyehira further teaches that if the system judges that the replacement part cannot be made available by said time period required to reach the time limit, the system judges that a different maintenance event can be performed (column 3, lines 4-10 and column 7, lines 50-56).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gonyea and Deguchi to use an estimation of the time period required to reach the second stage limit and provide a provision for when the replacement part cannot be available by the time period, as taught by Suyehira, because the combination of Gonyea and Deguchi does set a replacement limit requiring a maintenance event that occurs prior to the actual expiration of the part being maintained in order to avoid such expiration (Gonyea; 0027, lines 27-37) and the combination, as suggested by Suyehira, would have provided a means for determining the time until actual part expiration for use in determining whether or not the replacement part will arrive before the expiration. Therefore, the combination would provide the user with sufficient time to take corresponding action, such as

maintenance, to continue to prevent part expiration (column 3, lines 4-10 and column 7, lines 50-56).

6. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonyea et al. in view of Deguchi and further in view of U.S. Patent No. 4,404,641 to Bazarnik.

As noted above, the invention of Gonyea and Deguchi teaches many of the features of the claimed invention, and while the invention of Gonyea and Deguchi does teach a factory-side system that determines a cumulative operation time of a part for comparison with a two stage limit, the combination does not specifically indicate that the cumulative operation time is determined by a counter for the part.

Bazarnik teaches a maintenance monitor that automatically advises that maintenance of a device should be undertaken (column 1, lines 5-8) including a counter corresponding to a specific part (column 1, lines 66-68) wherein the counter accumulates operation time for comparison to a two stage limit (column 2, lines 3-9).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gonyea and Deguchi to specifically indicate that the cumulative operation time is determined by a counter for the part, as taught by Bazarnik, because Bazarnik suggests a well-known means for accumulating time that would be required to determine the accumulated time in the invention of Gonyea and Deguchi as well as reduce the occurrence of machine damage by disabling the

machine when the maintenance must be performed (column 1, lines 54-61 and column 2, lines 3-9).

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonyea et al. in view of Deguchi and Bazarnik and further in view of JP Patent Application Publication No. 2000-012412 to Makitani.

As noted above, Gonyea in combination with Deguchi and Bazarnik teaches many of the features of the claimed invention including a measuring means for measuring the actual operation time of a part by a counter corresponding to said part, but does not specifically indicate that the operation time be that of a driving means that drives said part.

Makitani teaches a method and device for monitoring performance of a semiconductor-producing device including means for monitoring the operating time or number of operations (0017) of a driving means that drives a part (0010).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gonyea, Deguchi, and Bazarnik to specifically indicate that the operation time be that of a driving means that drives said part, as taught by Makitani, because the invention of Gonyea, Deguchi, and Bazarnik does teach monitoring a semiconductor production facility and Makitani suggests that part driving means are critical components for correct operation of a semiconductor production facility (0002-0005) and therefore, the combination would have provided improved

monitoring and maintenance of a semiconductor facility by monitoring a wider variety of components including the crucial driving means.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-11, and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

The following arguments, however, are noted:

Applicant first argues:

The Gonyea et al. and Deguchi et al. references also fail to disclose or suggest a factory-side system including a factory-side sending/receiving means, which sends an order processing request of the part to the vendor-side system through a network upon judging that the order processing request of the part is desired by the maintenance judging means. As recited in Applicants' amended independent claim 1, the factory-side sending/receiving means does not send any data for a maintenance of the part of the semiconductor processing system to the vendor-side system through the network upon judging that the order processing request of the part is not desired by the maintenance judging means.

Rather than disclosing or suggesting a factory-side system that includes a maintenance judging means and/or a sending/receiving means, which sends an order processing request of the part to the vendor-side system through a network upon judging that the order processing request of the part is desired by the maintenance judging means, the Gonyea et al. reference discloses a client-server system including a computer server 15 that runs a server prediction application. The Gonyea et al. server computer 15 accesses data within a data base 26 in order to operate an aggregator 59, including a scheduler 60 and a simulator 62, that determine an output 70, including aggregated maintenance schedule and costs, which, in turn are sent to a local computer 10 located at the manufacturing site.

In other words, even if for the sake of argument, the Gonyea et al. local computer 10 is deemed to hypothetically correspond to amended independent claim 1's recited "factory-side system," and the server computer 15 is deemed to hypothetically correspond to amended independent claim 1's "vendor-side system," Gonyea et al. discloses that the server computer 15 determines an aggregated maintenance schedule and costs. The hypothetical Gonyea et al. factory side-system, on the other hand, merely sends product data, such as "operating conditions for given time period" to the hypothetical Gonyea et al.

vendor-side system. For at least these reasons, the Gonyea et al. reference fails to disclose or suggest a part maintenance system including at least a factory-side system including a maintenance judging means, which judges operating conditions of the part by comparing the actual operation time or the number of actual operations and the predetermined allowable limit value with each other to judge whether or not an order processing request of the part is desired. Furthermore, the Gonyea et al. reference also fails to disclose or suggest a factory-side system including a factory-side sending/receiving means, which sends an order processing request of the part to the vendor-side system through a network upon judging that the order processing request of the part is desired by the maintenance judging means.

For example, the Gonyea et al. reference fails to disclose or suggest a factory-side sending/receiving means that does not send any data for a maintenance of the part of the semiconductor processing system to the vendor-side system through the network upon judging that the order processing request of the part is not desired by the maintenance judging means.

The Examiner asserts that Gonyea discloses a maintenance judging means which judges operating conditions of said part by comparing said actual operation time or the number of actual operations and said predetermined allowable limit value with each other to judge whether or not an order processing request of said part is desired (0005, lines 14-21 and 0055, lines 1-13), and a factory-side sending/receiving means (0015, lines 5-7 and 0017, lines 1-7) which sends an order processing request of said part to a vendor upon judging that the order processing request of said part is desired by the maintenance judging means and does not send any data to said vendor upon judging that the order processing request of said part is not desired by the maintenance judging means (0005, lines 14-21 and 0055, lines 1-13) wherein the vendor comprises an order processing means which carries out an order processing of a part when said vendor-side sending/receiving means

receives an order processing request of that part from said factory-side system
(0056, lines 1-11).

The cited sections of Gonyea specifically state:

The scheduler determines the operating time for each sub-component based on the operating conditions for a predetermined time period and compares it to the design limit for the component. Once a design limit is exceeded for a sub-component, the scheduler then schedules a maintenance event to repair or replace the component and its related sub-components. (0005, lines 14-21)

A modem or network card 24 enables the local computer 10 to access other computers and resources on the network 13. (0015, lines 5-7)

The network 13 is a system that enables communications, including the exchange of data, among a plurality of computers. The network 13 may be a private communications network or a public communications network. For example, the network 13 may be a local area network (LAN), a wide area network (WAN), the Internet, or other similar networks. (0017, lines 1-7)

The system 28 then queries whether the part is available within the designated inventory pool (Step 144). If the part is not in the first predetermined inventory pool, the system then queries whether all inventory pools have been searched (Step 146). If so, the system then processes an order to buy the part into a predesignated inventory pool (Step 148). For example, in the service agreement, the customer may want any purchased parts to be entered into the customer inventory pool so that the customer has exclusive access to these parts. In such a case, for example, the cost of replacing the part will be higher because access to the inventory of parts is restricted to the one customer as opposed to being shared by many customers. (0055, lines 1-13)

If all of the inventory pools have not been checked (Step 146), then the system searches for the part in the next inventory pool based on the predetermined order until the part is located or until all inventory pools have been searched (Step 150). Once the part is found or purchased, the part is removed from the inventory (Step 152) and the inventory is processed to determine the parts costs and risks associated with the event (Step 154). Further, the event identification and the product identification are recorded in an inventory register so that a history of the inventory transaction is maintained (Step 156). (0056, lines 1-11)

The Examiner asserts that the server computer 15 is not considered to be the “vendor-side system”, but instead, as described in paragraph 0055, lines 1-13, the factory-side system of Gonyea contacts a separate vendor to order parts as needed.

Therefore, as can be seen from the cited sections above, a maintenance judging means compares the operating time of a component to a design limit and, if the design limit is exceeded, a maintenance event is scheduled “to repair or replace the component and its related sub-components”.

If the judgment means determines that the maintenance event is to replace the component, “the system then processes an order to buy the part into a predesignated inventory pool” by contacting a vendor according to a service agreement. The part ordering is only performed when the judgment means determines that design limit has been exceeded and the maintenance event is to replace the component and accordingly no data is sent to the vendor upon judging that the order processing request of said part is not desired by the maintenance judging means.

Applicant argues:

In short, even if, for the sake of argument, the Deguchi et al. host management system 107 in each of the factories 102, 103, and 104 is deemed to hypothetically correspond to amended independent claim 1's recited “factory-side system,” and the host management system 108 of the vendor 101 is deemed to hypothetically correspond to amended independent claim 1's “vendor-side system,” Deguchi et al. discloses that the vendor 101's host management system 108 executes remote maintenance for the supplied apparatuses rather than the factories' host management systems 107. In particular, if trouble occurs with any of the manufacturing apparatuses 106 of the factories 102, 103, and 104, Deguchi et al. discloses solving the trouble remotely at the vendor 101.

For at least the above-outlined reasons, like Gonyea et al., the Deguchi et al. reference does not disclose or suggest a part maintenance system including at least a factory-side system including a maintenance judging means, which judges operating conditions of the part by comparing the actual operation time or the number of actual operations and the predetermined allowable limit value with each other to judge whether or not an order processing request of the part is desired. Furthermore, the Deguchi et al. reference also fails to disclose or suggest a factory-side system including a factory-side sending/receiving means, which sends an order processing request of the part to the vendor-side system through a network upon judging that the order processing request of the part is desired by the maintenance judging means. For example, the Deguchi et al. reference fails to disclose or suggest a factory-side sending/receiving means that does not send any data for a maintenance of the part of the semiconductor processing system to the vendor-side system through the network upon judging that the order processing request of the part is not desired by the maintenance judging means.

The Examiner asserts that, as noted above, Gonyea discloses a maintenance judging means which judges operating conditions of said part by comparing said actual operation time or the number of actual operations and said predetermined allowable limit value with each other to judge whether or not an order processing request of said part is desired (0005, lines 14-21 and 0055, lines 1-13), and a factory-side sending/receiving means (0015, lines 5-7 and 0017, lines 1-7) which sends an order processing request of said part to a vendor upon judging that the order processing request of said part is desired by the maintenance judging means and does not send any data to said vendor upon judging that the order processing request of said part is not desired by the maintenance judging means (0005, lines 14-21 and 0055, lines 1-13) wherein the vendor comprises an order processing means which carries out an order processing of a part when said vendor-side

sending/receiving means receives an order processing request of that part from said factory-side system (0056, lines 1-11).

While the invention of Gonyea does teach a wide variety of processing systems as well as communication to and from a vendor, Gonyea does not specifically indicate that the vendor be part of a vendor-side system operated by an administrator who manages the maintenance of said semiconductor processing system comprising a vendor-side sending/receiving means which sends and receives information to and from said factory-side system through a network.

The invention of Deguchi is then included to teach a semiconductor device manufacturing factory (column 1, lines 11-15) comprising a factory-side system (column 6, lines 10-45) and a vendor-side system operated by an administrator who manages the maintenance of said semiconductor processing system (column 6, lines 18-21) wherein the factory-side system and vendor-side systems each contain corresponding servers and sending/receiving means (column 6, lines 30-39 and 45-54) that send and receive information between each other through a network (column 6, lines 54-65). Deguchi also teaches that the vendor-side system receives information from the factory-side system and uses such information to perform maintenance processing (column 6, lines 54-65).

Therefore, the combination of Gonyea's teaching of a maintenance judging means which judges operating conditions of said part by comparing said actual operation time or the number of actual operations and said predetermined allowable limit value with each other to judge whether or not an order processing request of

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said part is desired, and a factory-side sending/receiving means which sends an order processing request of said part to a vendor upon judging that the order processing request of said part is desired by the maintenance judging means and does not send any data to said vendor upon judging that the order processing request of said part is not desired by the maintenance judging means with Deguchi's teaching of a factory-side system and a vendor-side system operated by an administrator who manages the maintenance of said semiconductor processing system wherein the factory-side system and vendor-side systems each contain corresponding servers and sending/receiving means that send and receive information between each other through a network, meets the invention as claimed.

Applicant argues:

Gonyea et al. discloses that manufacturers and service organizations desire information concerning repair and/or maintenance of manufacturing systems, so that they can determine risks associated with providing long term service agreements. Gonyea et al. discloses a system for meeting the desire for such information by providing a system 28 for predicting a maintenance schedule and costs for performing future service events. The system 28 includes provides service organizations and manufacturers with a server computer 15 for receiving data from a local computer 10 located at the customer's factory. The data sent by the local computer 10 to the server computer 15 includes information that allows the manufacturers and service organizations to predict maintenance schedules and costs for performing future service. If the Gonyea et al. disclosure were modified, however, such that the data was not sent to the server computer, for example, the explicitly-disclosed principle of operation of the Gonyea et al. system would be altered. For at least this reason, such a modification would be improper under the guidance of the M.P.E.P. and prevailing obviousness law.

The Examiner asserts that this argument is not considered to be persuasive because, as described above, it is not the server computer that is interpreted by the Examiner to be the vendor.

Applicant argues:

Deguchi et al. discloses that factory operators input information into a user interface that sends the information via the Internet to a vendor-based host management system that stores and manipulates the information. The vendor-based host management system performs maintenance and service functions remotely from the factory via the Internet. Deguchi et al. discloses that this system allows the factory operators to access information, receive the latest-version software for a manufacturing apparatus from a software library provided by the vendor, and to receive help information from the vendor. Thus, if the Deguchi et al. disclosure were modified such that the information input by the operators was not sent to the vendor-based host management system, for example, the explicitly-disclosed principle of operation of the Deguchi et al. system would be altered. For at least this reason, such a modification would be improper under the guidance of the M.P.E.P. and prevailing obviousness law.

The Examiner asserts that the proposed combination is to modify the invention of Gonyea to specifically indicate that the vendor be part of a vendor-side system comprising a vendor-side sending/receiving means which sends and receives information to and from said factory-side system through a network. Since there is no proposed modification to the invention of Deguchi, the proposed modification cannot destroy the principle operation of Deguchi.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

U.S. Patent No. 4,097,202 to Price teaches an auxiliary compressor assembly wherein when a replacement part is not available, the assembly is adapted to be repaired to keep the device operational.

U.S. Patent No. 5,000,291 to Forster teaches a lubrication nozzle wherein when no replacement nozzle is available, the manufacturing operation is shut down to perform maintenance.

U.S. Patent No. 6,751,536 to Kipersztok et al. teaches a diagnostic system and method for enabling multistage decision optimization for aircraft preflight dispatch including means for judging whether part replacement or repair should be made.

U.S. Patent Application Publication No. 2002/0161906 to Teraura teaches a method of flow management for recycled components, components supply-side terminal and components request-side terminal wherein when replacement components are not currently available from the manufacture, recycled components are used in repair work.

U.S. Patent Application Publication No. 2002/0072988 to Aram teaches a supply management system.

U.S. Patent No. 6,438,440 to Hayashi teaches a method and system for managing semiconductor manufacturing equipment.

U.S. Patent No. 6,311,093 to Brown teaches a system and method for simulation modeling and scheduling of equipment maintenance and calibration in biopharmaceutical batch process manufacturing facilities.

U.S. Patent Application Publication No. 2002/0139988 to Kato teaches a vibration isolator, device manufacturing apparatus and method, semiconductor manufacturing plant and method of maintaining device manufacturing apparatus.

U.S. Patent Application Publication No. 2003/0229550 to DiPrima et al. teaches a system and method for planning and ordering components for a configure-to-order manufacturing process.

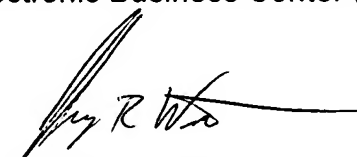
FOLDOC, Free On-Line Dictionary of Computing provides the definition of server as "a computer which provides some service for other computers connected to it via a network".

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jeffrey R. West", with a long horizontal stroke extending to the right.

Jeffrey R. West
Examiner – AU 2857

June 12, 2006